

February 19, 2003

## **Summary of Discussions with Non-Governmental Organizations on the 2002 Progress Report on the Canada-U.S. Air Quality Agreement**

An invitation was extended to several non-governmental organizations to meet with Chairman Gray on February 19, 2003 in Toronto to provide comments on the 2002 Progress Report of the governments on the Canada-U.S. Air Quality Agreement. The following individuals attended:

- John Wellner, Ontario Medical Association
- Jack Gibbons - Ontario Clean Air Alliance
- Dan McDermott - Sierra Club

The participants acknowledged their appreciation of this type of meeting. The following comments were offered:

- Mr. Gibbons referred to his letter to the Commission of January 23, 2003 and emphasized the point that Ontario is not in compliance with the ozone requirements of the agreement annex; they exceed the requirements by 33 percent. Called for the Canadian federal government to use the Environmental Protection Act, as has been publicly suggested by Minister Anderson, to bring the province into compliance.
- The Clean Air Alliance is a broad based coalition of 78 organizations whose aim is to achieve phase out of the five Ontario coal-fired power generating plants.
- Mr. McDermott indicated that the tone of the Progress Report was misleading with respect to ozone as it gives the impression that everything is OK. He suggested that the highly public nature of the comments made from November 2001 to August 2002 by Minister Anderson on Ontario's non-compliance need to be reflected in the commentary on the report.
- Mr. Wellner commented that Ontario has taken the trading concept which has been utilized in the U.S. and has broadened it to the point of being ineffective; they have set a cap but allow emissions trading with other sectors that don't have a cap. He indicated that a side agreement to the ozone annex permits Ontario to achieve their cap by emissions trading if equivalent to the U.S. NO<sub>x</sub> emissions trading. This is not the approach that they have taken.
- With respect to the Ontario situation and compliance with the Ozone annex, the strongest case was made publicly by Minister Anderson, but U.S. EPA and the Attorney General of New York State have also commented that the Ontario process is flawed.
- Reference was made to the statement made on page 11 of the report that suggests Drive Clean has already achieved a reduction in smog-causing pollutants of 11.5%. The comment was made that this figure may be out of context as reductions are really closer to 2%.
- On page 44, in the centre of the last paragraph, there is the only reference in the document about differences between the parties on transboundary issues. This particular reference relates to the U.S. concern that prevention of air quality deterioration and protection of visibility are required programs in the U.S., while Canada does not have comparable requirements. Rather than being silent on differences, these should be included in the report.
- The statements made on page 20 with respect to Canadian programs dealing with mercury in the environment are vague and do not adequately report on the status of these programs. It was stated that the Canada Wide Standard process which is mentioned is stalled and needs to

be revitalized, and a national standard for mercury emissions from the electricity generation sector is needed.

- John Wellner called for a strengthening of the ozone annex when it is revisited in 2004. The Ontario Medical Association has done a lot to quantify the impact of ozone and particulate matter on society and there is a need to tighten ozone controls and to get on with a particulate annex to the agreement.

- Canada needs to focus more attention on particulate matter so that it can negotiate with the U.S. on transboundary air quality with clean hands.

- Lessons learned from acid rain should be part of policy and decision making for ozone and particulate, Ontario went first then the international agreement followed.

- Canada and Ontario should not hide behind the idea that most of the pollution comes from the U.S. There is much more that Canada can do.

- There was general consensus of the group that the U.S. Clear Skies Initiative is a weakening of the existing Clean Air Act - one suggested it be labelled Clear Lies. The U.S. New Source Review debate was also raised and the suggestion that overall pollution will likely be increased into Canada.

- The group encouraged the IJC to make a strong recommendation that Ontario needs to tighten up its air quality requirements on ozone and particulate matter.

- John Wellner emphasized the need for health tracking on both sides of the border in relation to the ozone annex to characterize the economic impact and cost to society of degraded air quality. He handed out the Ontario medical Association's report *The Illness Costs of Air Pollution in Ontario - A summary of Findings* (June 2000).